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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,785	07/27/2001	Gadiel Seroussi	10010554-1	8810

7590 03/06/2009  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80528-9599

EXAMINER	
WILLIAMS, JEFFERY L	

ART UNIT	PAPER NUMBER
2437	

MAIL DATE	DELIVERY MODE
03/06/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte GADIEL SEROUSSI, MARK TAYLOR SMITH, and  
MICHAEL BAER

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Application No. 09/916,785  
Technology Center 2100

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Mailed: March 6, 2009

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Before KRISTA ZELE, *Deputy Chief Appeals Administrator*,  
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on July 15, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

**AMENDMENT AFTER FINAL**

A review of the file indicates that on July 31, 2006, Appellant filed an Amendment After Final in response to the Final Rejection mailed Oct 3, 2005. It is not clear whether this Amendment has been considered because an Advisory Action has not been mailed or because box 7 of an Advisory Action fails to indicate whether or not the proposed amendment will or will not be entered for purposes of appeal. Clarification from the Examiner is required.

**EXAMINER'S ANSWER, EVIDENCE RELIED UPON**

Section §1207.02 of the *Manual of Patent Examining Procedure* (MPEP) (Eighth Edition, Rev. 6, September 2007) states:

(A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

....

- (8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and in the case of nonpatent references, the relevant page or pages.

The Examiner's Answer mailed September 25, 2007 is deficient because the "Evidence Relied Upon" section fails to include the reference Eastlake et al. (Randomness Recommendations for Security) and Saints et al. U.S. Patent

(6,430,170), cited on page 3 in the Examiner's Answer's grounds of rejection of claims 10-13 under 35 U.S.C. § 103(a).

Appropriate correction is required.

**ORDERED** that this application be returned to the examiner:

Accordingly, to have the examiner,

- (1) appropriately respond to the Amendment After Final;
- (2) vacate the Examiner's Answer mailed September 25, 2007;
- (3) provide a new Examiner's Answer including a correct "Status of Amendment" section in addition to correction to other sections as required; and
- (4) for such further action as may be appropriate.

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/rwk

cc: HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins CO 80528-9599